

## 7A Am. Jur. 2d Automobiles § 28

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### Automobiles and Highway Traffic

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### I. In General


### C. Regulation, in General

### 3. Validity of Regulations

## § 28. Regulations affecting interstate commerce

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### West's Key Number Digest

West's Key Number Digest, [Automobiles](#)  5(1)

In the absence of an Act of Congress covering the subject, a state may impose upon vehicles using its highways in interstate commerce nondiscriminatory regulations for the purpose of insuring the public safety and convenience, and for the protection and conservation of the use of such highways.<sup>1</sup> Generally speaking, highway regulation has been left to states and localities, and traffic laws they enact must be applied both to intrastate and interstate traffic.<sup>2</sup> Even though a local regulation materially interferes with interstate commerce, great leeway is allowed local authorities where traffic control and the use of highways are involved and where there is no conflicting federal regulation.<sup>3</sup> For example, state legislatures have great leeway in providing safety regulations for all vehicles, interstate as well as local,<sup>4</sup> such measures carrying a strong presumption of validity when challenged in the courts.<sup>5</sup>

If a statute is neutral on its face, has only indirect or incidental effects on interstate commerce, and regulates evenhandedly, the statute will be upheld unless the burden on such commerce is clearly excessive in relation to the putative local benefits.<sup>6</sup> Thus, a state highway safety measure affecting interstate commerce will, absent federal entry into the field, be upheld, unless from the whole record it can be concluded that the total effect of the state law furthers the purpose of safety so marginally and interferes with commerce so substantially that it must be invalid.<sup>7</sup>

Municipalities retain considerable authority to regulate how motor vehicles engaged in interstate commerce shall be operated over their streets,<sup>8</sup> and may require that such vehicles obey traffic and other general safety regulations.<sup>9</sup>

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Footnotes

- 1 Kassel v. Consolidated Freightways Corp. of Delaware, 450 U.S. 662, 101 S. Ct. 1309, 67 L. Ed. 2d 580 (1981); Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520, 79 S. Ct. 962, 3 L. Ed. 2d 1003 (1959).
- 2 State v. Varsel, 2014-Ohio-1899, 11 N.E.3d 327 (Ohio Ct. App. 6th Dist. Fulton County 2014).
- 3 Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520, 79 S. Ct. 962, 3 L. Ed. 2d 1003 (1959); Railway Exp. Agency v. People of State of N.Y., 336 U.S. 106, 69 S. Ct. 463, 93 L. Ed. 533 (1949); State v. Dillon, 670 So. 2d 278 (La. Ct. App. 3d Cir. 1996).
- 4 Kassel v. Consolidated Freightways Corp. of Delaware, 450 U.S. 662, 101 S. Ct. 1309, 67 L. Ed. 2d 580 (1981); Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520, 79 S. Ct. 962, 3 L. Ed. 2d 1003 (1959).
- 5 Kassel v. Consolidated Freightways Corp. of Delaware, 450 U.S. 662, 101 S. Ct. 1309, 67 L. Ed. 2d 580 (1981); Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520, 79 S. Ct. 962, 3 L. Ed. 2d 1003 (1959).
- 6 Government Suppliers Consolidating Services, Inc. v. Bayh, 975 F.2d 1267 (7th Cir. 1992).
- 7 Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520, 79 S. Ct. 962, 3 L. Ed. 2d 1003 (1959); People v. Strawn, 210 Ill. App. 3d 783, 155 Ill. Dec. 269, 569 N.E.2d 269 (4th Dist. 1991); State v. Dillon, 670 So. 2d 278 (La. Ct. App. 3d Cir. 1996).
- 8 City of Chicago v. Atchison, T. & S. F. Ry. Co., 357 U.S. 77, 78 S. Ct. 1063, 2 L. Ed. 2d 1174 (1958); Atchison, T. & S. F. Ry. Co. v. Public Utilities Commission of Cal., 346 U.S. 346, 74 S. Ct. 92, 98 L. Ed. 51 (1953).
- 9 City of Chicago v. Atchison, T. & S. F. Ry. Co., 357 U.S. 77, 78 S. Ct. 1063, 2 L. Ed. 2d 1174 (1958).

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